

**WRITTEN TESTIMONY OF CAPTAIN KEVIN WARK
BARNEGAT LIGHT, NJ
ON THE REAUTHORIZATION OF THE ATLANTIC STRIPED BASS
CONSERVATION ACT
BEFORE THE HOUSE COMMITTEE ON RESOURCES
SUBCOMMITTEE ON FISHERIES CONSERVATION,
WILDLIFE AND OCEANS
MARCH 18, 2004**

Mr. Chairman and Members of the Subcommittee, thank you for the opportunity to provide written testimony on the Reauthorization of the Atlantic Striped Bass Conservation Act. I am a full-time commercial gillnet fisherman and have been for the past 22-years. I catch many different species of fish from my homeport in Barnegat Light, New Jersey.

As a commercial fisherman, I witnessed the decline of the striped bass resource, I lived through the moratorium years with the hope of getting some benefit for the sacrifice, and now I see the incredible number of striped bass, in all sizes, in New Jersey waters.

I also know the goal of Amendment 6 to the Interstate Fishery Management Plan for Atlantic Striped Bass (*See ASMFC at iv*), consistent with the Atlantic Striped Bass Conservation Act, is

To perpetuate, through cooperative interstate fishery management, migratory stocks of striped bass; *to allow commercial* and recreational fisheries consistent with the long-term maintenance of a broad age structure, a self-sustaining spawning stock; and also to provide for restoration and maintenance of their essential habitat. {emphasis added}

I remember it was not long ago before the House Resources Subcommittee that the head of the National Marine Fisheries Service – Mr. Rollie Schmitten -- testified that striped bass was the greatest management success story in modern fisheries management.

I would agree with Mr. Schmitten's statement and the goal of Amendment 6 to the striped bass plan if New Jersey commercial fishermen were allowed to harvest striped bass. We cannot. We are not allowed to catch a single pound of one of the most abundant fish in the Mid-Atlantic Region, from the beach out to 200 miles. There is currently no public access to this abundant resource for New Jersey residents or tourists who don't own a boat, or may not like to fish, or may not have the resources or the ability to fish.

Therefore, we do not agree that the Atlantic Striped Bass Conservation Act has helped everyone in New Jersey, outside of one user group.

However, that is not to say we do not believe the Atlantic Striped Bass Conservation Act is worthwhile legislation. In fact, we believe for the most part that it is very useful

legislation and should be reauthorized. It contains several helpful provisions that have contributed to a rebound in the stock, improved management, and provide for better scientific information.

I believe the beneficial provisions in the Act are as follows:

- (1) increased monitoring and enforcement;
- (2) increased compliance requirements for States;
- (3) continued research on striped bass populations;
- (4) cooperative agreements between the Federal Government and States;
- (5) public input in development of management plans and amendments;

However, there are some possible changes to the Act that would make a huge difference to New Jersey commercial fishermen and the 8 million New Jersey residents who don't fish, or can't catch their own striped bass – changes that could make striped bass management a success for everyone.

The proposed changes to the Atlantic Striped Bass Conservation Act are as follows:

EEZ Regulations

Section 5158 requires the Secretary to develop regulations in the ocean out to 200 miles. In all fairness, with a recovered stock, the Secretary should open this area to commercial, charter and recreational fishermen alike with properly managed quotas. This position is consistent with ASMFC's recommendation in Amendment 6 to the Interstate Management plan. *See* ASMFC at viii.

Recreational Hook & Release Mortality

Section 5155 should specifically require the Secretary to conduct research in one area where it is very necessary – accurately estimating the amount and impacts of hook and release mortality in the recreational fishery. According to Amendment 6, more fish are killed by hook and release practices in the recreational fishery (conservatively estimated at 1.3 million fish, assuming only 8% release mortality) compared to the entire East Coast commercial harvest, estimated to be only 1.0 million fish. *See* ASMFC at 8-10. The Act should include a provision to more accurately estimate, and then fully consider, the impacts of such a large source of mortality on the stock.

In fact, the ASMFC *Fisheries Focus* dated January 2004 indicates the recreational discard losses (29.67%) and recreational harvest (48.49%) equal 78.16% of the total striped bass catch. By comparison, the commercial discards (4.46%) and harvest (17.35%) amount to only 21.81% of total harvest. Clearly, the recreational discards are larger than the commercial discards and harvest combined. The recreational fishery has a much more significant and negative impact on the resource. *See* ASMFC 2004.

I note for the record that the ASMFC has attempted to recognize this pervading issue of discards and that the available data are not sufficient to estimate the extent of the problem. ASMFC has incorporated a bycatch monitoring and research program into

Amendment 6 and will endeavor to refine the mortality estimates associated with different types of recreational hook gear and their use. *See* ASMFC at 30.

It is important to note here that New Jersey commercial fishermen currently carry a large number of federal observers on their vessels. Therefore, a considerable amount of information already exists to indicate commercial discards of striped bass in New Jersey waters are of relatively little concern compared to recreational-related mortality. Clearly, the commercial sector is already doing its share to provide useful information and the same standard should apply to all sectors that participate in the striped bass fishery.

Fairness & Equitability

Finally, the hardest issue for New Jersey fishermen to understand deals with Sections 5153 and 5154 regarding management plans for individual States as it relates to fairness. The Atlantic States Marine Fisheries Commission (ASMFC) has commanding authority over an individual State's plan to manage striped bass. We do not understand how the Federal Government has allowed the ASMFC the ability to require each State to submit a detailed management plan, then rule on compliance of that plan, and if that plan does not meet the appropriate standards – to evoke a moratorium on striped bass harvest in that State (*See* ASMFC at viii – x). Moreover, the ASMFC is somehow allowed to approve a State's plan that completely removes commercial fishermen and non-fishing consumers from accessing an abundant marine resource.

It certainly seems plain to us that an Act that supposedly recognizes the historical commercial and recreational importance and economic benefits (*See* Section 5151(a)(1)) and includes an Amendment 6 goal that allows for both commercial and recreational fisheries (*See* ASMFC at iv) should also be required to be fair to all sectors, similar to how the Regional Councils must be fair and equitable under the National Standards.

Clearly, this is a serious and valid problem contemplated in Amendment 6 whereby the ASMFC indicates disproportional benefits to the recreational sector since Amendment 5. In Amendment 6, ASMFC states

One of the major differential impacts has been between the coastal commercial and recreational fisheries. Specifically, the landings from the coastal commercial fisheries have been held constant, due to constant quotas, while the landings from the coastal recreational fisheries have shown a steady increase, due to increased participation and increased availability of striped bass. *See* ASMFC at 3.

This point can be further clarified by the information contained in Figure 3 and 4 (*see* ASMFC at 7), which indicate that during 1990, both the commercial and recreational harvest were nearly equal at 1.0 million pounds each. However, by the year 2000, the recreational landings were estimated to be 18,000,000 pounds and the commercial harvest approximately 6,600,000 pounds.

ASMFC also reports that commercial landings have peaked at much lower levels compared to recreational landings. This is mainly due to the fact that commercial landings are managed with strict quotas while recreational landings have no restrictions on total catch in most areas. *See* ASMFC at 6.

Amendment 6 restored commercial striped bass harvest in State-managed waters to the average levels achieved during 1972-1979. This provides a 321,750-pound commercial allocation to the State of New Jersey. As I have stated previously, commercial fishermen, restaurant owners, and non-fishing consumers have no access to the 4th largest State commercial striped bass allocation on the entire East Coast. (*See* ASMFC at 57, Table 10)

I note here for the record that we have heard from seafood wholesalers, retailers, and restaurateurs from the coastal districts of New Jersey seriously objecting to the glaring unfairness of the current situation. The non-fishing public is being prevented from sharing in a fully recovered stock of fish – this situation should not be allowed to continue.

We believe it is time to add a provision to the Atlantic Striped Bass Conservation Act that also allows for the Secretary to implement a moratorium when a State's plan is found not to be fair to all participants. This alone would make a huge difference for commercial fishermen and the non-fishing public from New Jersey and many other East Coast States.

Mr. Chairman, this concludes my written testimony. I hope you will consider my suggestions during the Reauthorization of the Striped Bass Conservation Act. On behalf of New Jersey commercial fishermen and the Garden State Seafood Association, I thank you and the Members of your Subcommittee for this opportunity.

Literature Cited

ASMFC, 2003. Amendment 6 to the Interstate Fishery Management Plan for Atlantic Striped Bass. Fishery Management Report No. 41. 63 pages.

ASMFC, 2004. *Fisheries Focus*, Volume 13, Issue 1, January, 2004. 3 pages.